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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
VICTOR HERNANDEZ PENA, AND  
IGNACIO SATURNINO DIAZ MIGUEL,  
  
Defendants.

CASE NO. 1:21-CR-00090-JLT

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: November 21, 2023  
COURT: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on November 21, 2023.
2. By this stipulation, the parties now move to continue the trial until April 9, 2024, and to exclude time between November 21, 2023, and April 9, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, laboratory reports, wiretap data, and other related items. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Plea agreements have been extended by the government, and the parties are in

discussions about potential resolutions.

c) Counsel for defendant desires additional time to consult with his/her client, to review the current charges, to conduct investigation related to the charges, to review and copy discovery, to discuss potential resolutions with his/her client, and to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 21, 2023 to April 9, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 30, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

1 Dated: October 30, 2023

/s/ NICHOLAS REYES  
NICHOLAS REYES  
Counsel for Defendant  
VICTOR HERNANDEZ PENA

2  
3  
4 Dated: October 30, 2023

/s/ REED GRANTHAM  
REED GRANTHAM  
Counsel for Defendant  
IGNACIO SATURNINO DIAZ  
MIGUEL

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10 **FINDINGS AND ORDER**

11 IT IS SO FOUND.

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13 IT IS SO ORDERED.

14 Dated: **October 31, 2023**

  
UNITED STATES DISTRICT JUDGE